

**TOWN COUNCIL REGULAR MEETING**  
**Town Council Meeting**  
**Town Hall Council Chambers**  
**Thursday ~ September 25, 2008**  
**Immediately following close of the Local Planning Agency Meeting**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street, Haverhill. All members were present with the exception of Mayor Kroll. Also present were Attorney John Foster; Town Planner Jack Horniman; Code Enforcement Officer, Joseph Roche and Town Clerk Janice C. Rutan

**CALL TO ORDER**

**Immediately following the adjournment of the meeting of the Local Planning Agency, Council President Woods called the meeting to order at 7:21 p.m.**

**APPROVAL OF AGENDA:**

The Town Clerk confirmed that the minutes for approval were those of the regular Town Council meeting of September 11, 2008. Noting the clarification, with no other additions, deletions or substitutions, the agenda would stand as presented.

**APPROVAL OF THE CONSENT AGENDA**

**Approval of Minutes**

A motion was made by Council Member Beavers, seconded by Council Member Lynch and unanimously voted (5-0) to approve the minutes of the September 11, 2008 regular Council meeting.

**COMMENTS FROM THE PUBLIC**

Todd Trimaldi, 5091 Club Road. Mr. Trimaldi addressed the Town Council expressing his frustration in attempting to obtain a building permit for his accessory building. He had been granted a variation by the Town Council to construct the accessory building on September 11, 2008.

Council President Woods suggested that a meeting be scheduled with the Mayor, Council President, Attorney, Building Official and the property owner to determine the reasons why the permit was being held up. A tentative meeting was scheduled for Monday afternoon. The Attorney suggested Mr. Trimaldi have his contractor and engineer available as well.

Discussion followed. Council Vice President Foy inquired if Mr. Trimaldi had received any written comments from the Building Official regarding what may items may be outstanding.

Council Vice President Foy noted that if Mr. Trimaldi had made an official submittal of plans, than all comments regarding same from the Building Official should be in writing as well.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT**  
Deputy Sergeant Bober was present to address the Town Council. He noted that the detail in Haverhill was working very well. There had been one crime since August 25, 2008 at a property on Concord Avenue. Two generators had been stolen from the yard. While the police were investigating the scene, they had received a call that someone was trying to sell a generator. Four arrests were then made.

The D/S thanked the Town for its participation in the detail and commended Joe Roche for his scheduling. The Council confirmed that they had budgeted the same amount as the previous year.

#### **PROCLAMATIONS AND PRESENTATIONS**

None.

#### **SECOND READINGS AND PUBLIC HEARINGS**

##### **Receive recommendation from the Local Planning Agency re: Proposed Ordinance 369**

Council President Woods noted for the record that the Town Council had received recommendation from the Local Planning Agency to approve first reading of Ordinance No. 369 for transmittal to the Department of Community Affairs.

**ORDINANCE NO. 369: AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADOPTING PLAN AMENDMENT 08-01 TO THE TOWN OF HAVERHILL COMPREHENSIVE PLAN TO IMPLEMENT AMENDMENTS TO THE TOWN OF HAVERHILL COMPREHENSIVE PLAN TO IMPLEMENT AMENDMENTS TO ITS EVALUATION AND APPRAISAL REPORT AND ITS TEN YEAR WATER SUPPLY FACILITY WORK PLAN AND TO UPDATE ITS CAPITAL IMPROVEMENTS ELEMENT TO INCORPORATE NEW REQUIREMENTS ELEMENT; AMENDING THE LAND USE ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT. INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND PUBLIC SCHOOL CONCURRENCY ELEMENT.**

The title was read by Attorney Foster.

It was explained that this first hearing was the transmittal hearing and that the second reading would not be scheduled until after the Department of Community Affairs commented on the Town's proposed E.A.R. based Comprehensive Plan Amendments.

**A motion was made by Council Member Mark Uptegraph and seconded by Council Member Henry Lynch to adopt Ordinance No. 369.**

#### **FIRST READINGS AND REGULAR AGENDA**

##### **Consider request for variation as filed by Ana Cecilia Valdes to install a seven foot gate at property located at 4605 Grove Street.**

Ms. Ana Valdez, owner of 4605 Grove Street, presented Council with plans of the type fence and pillars they wanted to install. The columns or pillars would be at a height of four (4) feet and the fourteen (14) foot wide five foot high gate would crest to a maximum height of seven feet.



**A motion was made by Council Vice President Foy and seconded by Council Member Lynch to approve the variation request of Ana Valdes at 4605 Grove Street with no fee involved.**

**FEMA Flood Map Update – Scoping and Data Collection for Palm Beach County. Consider entering into Federal Emergency Management Agency Community Partner Memorandum of Agreement**

Town Clerk Rutan reported that FEMA was requesting the Town enter into a memorandum of agreement to participate in the National Flood Insurance Program however, the Town must have a Community Flood Plan Ordinance in effect to enter into agreement.

Council Vice President Foy reported that he had reviewed the preliminary flood maps and Haverhill remains in the 500 year flood zone and as such should not be affected.

No action was taken and the matter tabled.

**Ivywood Road**

Town Attorney Foster reported that the Town was continuing to proceed with the annexation of Ivywood Road. The 1<sup>st</sup> reading would be held on October 9, 2008 and the 2<sup>nd</sup> reading on October 23, 2008. The ballot language would need to be at the Supervisor of Elections Office on October 24, 2008. The Urban Services report had already been submitted and approved. As planned, the annexation would be on for special election on December 2, 2008.

It was the general consensus of Council to move forward with the Ivywood Annexation area and that all other annexations would be suspended. The Annexation Committee would send out a letter to inform all of the property owners of the Cole Street/Northern Annexation area that the Town Council would be suspending all annexation efforts in that area.

(Mayor Kroll arrived at the meeting.)

**Reschedule November Workshop to Tuesday, November 11, 2008 because Election Day is November 4, 2008.**

**A motion was made by Council Member Jerry Beavers and seconded by Council Member Mark Uptegraph to approve to reschedule the Tuesday, November 4, 2008 workshop to Monday, November 3, 2008.**

**REPORTS**

**Town Attorney**

None.

**Mayor**

The Mayor informed the Town Council that he would be reevaluating the duties and responsibilities of the Building Department. He had received complaints and was looking into outsourcing the services.

Discussion followed.

A motion was made by Council Member Lynch to authorize the Mayor to terminate the contract between the Town of Haverhill and Construction Inspections of the Palm Beaches. The motion was seconded by Council Member Uptegraph.

Council Vice President Foy objected to the motion. The Attorney responded that the Council had originally approved the agreement; therefore it was his opinion that any changes to that contract would need to be approved by the Council.

Council Vice President Foy objected to the specifics of the motion. He did not want the motion to be interpreted that the Council approved the termination of the contract but rather to approve the authority granted to the Mayor.

The general consensus of the Council was not to be specific as to the termination of the present contract.

Council Member Uptegraph withdrew his second to the motion. Council Member Lynch withdrew his motion.

**A motion was then made by Council Member Uptegraph to authorize the Mayor as the Chief Administrative Officer of the Town to make the hiring and firing decisions concerning the Building Official subject to budgetary constraints. The motion was seconded by Council Member Lynch. The motion passed 5-0.**

#### **Consultants**

None.

#### **Assistant Town Administrator/Town Clerk**

None.

#### **Committee/Delegate Report**

Council Vice President Foy reported on the items discussed at the meeting of the Code and Ordinance Committee held earlier in the day. He reported on the need of a landscaping code. The Committee agreed to look into the Charter amendment removing the strong Mayor form of Government.

Council President Woods suggested that a motion be made to authorize the Attorney to draft an Ordinance to amend the Charter to remove the reference of Mayor as the Chief Administrative officer of the Town.

The Attorney suggested that the Town Council consider reflecting on its intent of the Charter Amendment. He would prefer that the amendment be heard at the March election instead of rushing to get it done for the special election December 2, 2008.

The Clerk suggested the Council look into putting off the Ivywood Annexation until March noting that the cost of the special election may outweigh the benefit of the ad valorem.

Discussion followed and it was agreed that the residents of Ivywood had waited long enough. The Special Referendum would take place in December.



It was agreed that the Town would make a full effort to obtain 100 percent support and attempt a voluntary annexation. In the meantime, the Town would continue on course for a Special Referendum.

Council Vice President Foy requested Town Council support of the photo traffic safety and enforcement solutions offered by American Traffic Solutions. This program would offer solutions in red light running. It was agreed that the principals would be invited to the next meeting of the Code and Ordinance Committee to deliver a presentation of their services.

Mr. Beavers delivered the public information brochures on the Let Us Vote initiative. It was suggested that the brochures be included in the newsletters to be mailed.

Council Member Beavers had been in contact with the Chief of Palm Beach County Fire Rescue concerning the forms for emergency contact information. Mr. Beavers suggested the inclusion of the pharmacy information on the form. The County will look into putting the forms on line.

The Special Events Committee had met on September 23, 2008. The next dinner and even would be scheduled for October 24, 2008 and would be themed for Halloween.

**Treasurer's Report  
(included in packet)**


**UNFINISHED BUSINESS**  
**None.**

**NEW BUSINESS**  
**None.**

**ADJOURNMENT**

With no further business to come before the Town Council, the meeting was adjourned at 8:25 p.m.

Approved: 11/13/08

  
Janice C. Rutan, Town Clerk

  
James E. Woods, Town Council President